



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

JUN 30 2014

Mr. Ed Smith
Acting Director
Yolo County Planning and Public Works Department ("YCPPWD")
292 West Beamer Street
Woodland, California 95695

7013 1090 0000 1618 4537

Ms. Marissa Juhler
Acting Director
YCPPWD, Division of Integrated Management ("DIM")
44090 County Road 28H
Woodland, California 95776-9101

7013 1090 0000 1618 4544

Dear Mr. Smith and Ms. Juhler:

Region IX of the United States Environmental Protection Agency ("EPA") is issuing this letter to determine the Clean Air Act ("CAA" or "Act") compliance status of the YCPPWD with respect to the Mandatory Greenhouse Gas Reporting Rule at 40 C.F.R. Part 98¹ (hereafter "the *GHG*² Reporting Rule") and with the portion of the *GHG* Reporting Rule that addresses reporting by Municipal Solid Waste Landfills ("*MSW Landfills*") at Subpart HH – Municipal Solid Waste Landfills at 40 C.F.R. Part 98, Subpart HH, 40 C.F.R. §§ 98.340-348 (hereafter "the *GHG* Reporting Rule for *MSW Landfills*"). The YCPPWD's *Facility*, referred to as the Yolo County Central Landfill, is located at County Road 28 and County Road 104 in Davis, California 95616 (hereafter "the YCPPWD's *Facility*"). The YCPPWD's *Facility* is believed to be a part of the DIM. Pursuant to Section 114 of the Act, 42 U.S.C. § 7414, the YCPPWD is hereby required to provide the following information requested in this letter. In responding to this request, the YCPPWD shall use the instructions provided in Enclosure 1.

1. Is or has the YCPPWD been the *owner* or *operator* of an *MSW Landfill* at the YCPPWD's *Facility* from any time between January 1, 1980, and the present? If the answer to this question is "no" then do not respond to any further requests. If the answer to this question is "yes" then state the time period(s) the YCPPWD is or has been the *owner* or *operator* of the YCPPWD's *Facility* then continue to the next request.
2. Did the YCPPWD's *Facility* accept any *MSW* on or after January 1, 1980? If the answer to this question is "no" then do not respond to any further requests. If the answer to this question is "yes" then state the time period(s) *MSW* was accepted then continue to the next request.

¹ The *GHG* Reporting Rule is a federal requirement that is distinct from California's reporting of *GHGs* under the California Global Warming Solutions Act (AB 32, 2006). The following is the link to the *GHG* Reporting Rule: http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&tpl=/ecfrbrowse/Title40/40cfr98_main_02.tpl.

² All terms in italics are defined at 40 C.F.R. § 98.6.

3. Requests 3, 4 and 5 are directed at determining whether a limited exclusion to the *GHG* Reporting Rule for *MSW Landfills* applies. See 40 C.F.R. § 98.340(a). Did the YCPPWD's *Facility* accept any *MSW* on or after January 1, 2013? If the answer to this question is "yes" then skip to request 6 below. If the answer to this question is "no" then continue to the next request.
4. Was the YCPPWD required to submit an annual report for the YCPPWD's *Facility* under any requirement of the *GHG* Reporting Rule in any reporting period prior to 2013? If the answer to this question is "yes" then skip to request 6 below. If the answer to this question is "no" then continue to the next request.
5. Calculate the *CH₄* generation at the *MSW Landfill* at the YCPPWD's *Facility* for calendar year 2013 using Equation HH-5 and, if applicable, Equation HH-7. See 40 C.F.R. §§ 98.340(a)(2) and 98.343. Produce a copy of the *CH₄* generation for calendar year 2013. If the *CH₄* generation is less than 1,190 metric tons, then do not respond to any further requests. If the *CH₄* generation is greater than or equal to 1,190 metric tons, then continue to request 6.
6. Did the YCPPWD or its designated representative³ submit an annual report of *GHGs* from the YCPPWD's *Facility* using EPA's electronic *Greenhouse Gas* Reporting Tool ("e-GGRT")⁴ for calendar years:
 - a. 2010?
 - b. 2011?
 - c. 2012?
 - d. 2013?
7. If the YCPPWD responded "no" to any of requests 6(a), 6(b), 6(c) or 6(d) provide records or other documents, used by the YCPPWD or its designated representative, to reflect the calculations made from January 1, 2010, through March 31, 2014, of *CO₂e* emissions from the YCPPWD's *Facility*.
8. Where the YCPPWD or its designated representative has not submitted an annual report to e-GGRT calculating annual *CO₂e* emissions from the YCPPWD's *Facility* for any calendar year from 2010 through 2013, in accordance with 40 C.F.R. § 98.343, calculate the annual *CO₂e* emissions from the YCPPWD's *Facility*, in accordance with 40 C.F.R. § 98.343.

The YCPPWD shall submit its response to this request postmarked no later than forty-five (45) calendar days after receipt of this letter. All information submitted in response to this request must be certified in a signed, separate statement as true, correct, accurate, and complete, to the best of his/her knowledge, by an individual with sufficient knowledge and authority to make such representations on behalf of the YCPPWD.

³ See 40 C.F.R. § 98.4 for the authorization and responsibilities of the designated representative.

⁴ See <http://www.epa.gov/ghgreporting/reporters/datasystem/index.html> for information on e-GGRT.

If the YCPPWD seeks to withhold any document(s) based on a claim of attorney-client communications privilege or the attorney work product doctrine in its response to this information request, the YCPPWD shall provide with its response a privilege log for each document containing the following information: (i) the date, author(s), every individual to whom the document was originally sent, every individual who subsequently acquired the document, the purpose for which the document was sent to or obtained by those individuals, and the employment titles of the authors and recipients; (ii) the subject matter of the document; (iii) the privilege claimed for the document and all facts supporting the claim of privilege; (iv) the primary purpose(s), including the business purposes, for which the document was made; (v) the question(s) in this information request to which the document is responsive to; and (vi) all facts contained in the document that are responsive to a question in this information request.

The responsive information shall be accompanied by a cover letter sent via certified mail with return receipt requested to the following address:

Ms. Kathleen H. Johnson
Director, Enforcement Division
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105

Attn: Mark Sims (ENF-2-1)

Please be advised that under Section 113(a) of the Act, 42 U.S.C. § 7413(a), failure to provide the information and documents required by this letter may result in an order requiring compliance, an order assessing an administrative penalty, or a civil action for appropriate relief. Section 113(b) of the Act, 42 U.S.C. § 7413(b), provides for the assessment of a civil penalty, which has been adjusted for inflation to \$37,500 per day, for each violation of the Act. See 40 C.F.R. § 19.4 (for penalties effective after January 12, 2009). In addition, Section 113(c) of the Act, 42 U.S.C. § 7413(c), provides criminal penalties for knowingly making any false material statement in, or omitting material information from, any report required under the Act. The information provided by the YCPPWD may be used by the United States in administrative, civil, or criminal proceedings.

You may, if you desire, assert a confidential business information ("CBI") claim on behalf of the YCPPWD covering part or all of the information provided to EPA in response to this letter. Any such CBI claim must conform to the requirements set forth in 40 C.F.R. Part 2, particularly 40 C.F.R. § 2.203. You are advised that certain information may be made available to the public pursuant to Section 114(c) of the Act, 42 U.S.C. § 7414(c), and 40 C.F.R. § 2.301, notwithstanding a claim that such information is entitled to confidential treatment. Please note that emission data provided pursuant to Section 114 of the Act, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2, Subpart B. Emission data is defined at 40 C.F.R. § 2.301(a)(2). If no claim of confidentiality is received with your reply, the information may be made available to the public without notice to the YCPPWD.

This information request is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act because it is not the "collection of information" within the meaning of 44 U.S.C. §§ 3502(3) and 3518(c)(1), since it is being directed to fewer than ten persons or entities and is being issued during the conduct of an investigation involving the EPA against specific individuals or entities. See also 5 C.F.R. §§ 1320.3(c) and 1320.4.

We would also like to take this opportunity to advise you that the YCPPWD may qualify as a "small business" under the Small Business Regulatory Enforcement and Fairness Act ("SBREFA"). Please review the enclosed SBREFA Information Sheet, which is designed to provide information on compliance assistance to entities that may qualify as small businesses as well as to inform them of their right to comment to the SBREFA Ombudsman concerning EPA's enforcement activities. Please be aware that SBREFA does not eliminate the YCPPWD's responsibility to respond in a timely fashion to any complaint or information request that EPA may issue or other enforcement action that EPA may take, nor does SBREFA create any new rights or defenses under the law other than the right to comment to the SBREFA Ombudsman.

If the YCPPWD anticipates that it will not be able to respond fully to this request within the time period specified, the YCPPWD must submit a sworn declaration by a responsible corporate/government official within ten (10) calendar days after receipt of this letter specifying what information will be provided by the allotted deadline, describing the efforts that have been/are being undertaken to obtain the remaining other responsive information, and providing a detailed schedule of when such other responsive information will be provided. Upon receipt and based upon such declaration, EPA may extend the time in which to respond to this information request. Also, please contact EPA if the YCPPWD determines that a full response to a particular request for information would require the submission of an extremely large number of documents. Based upon such notification, EPA may modify the scope of the documents required to be produced.

If you have any questions regarding this request, please contact Mark Sims of my staff at (415) 972-3965 or your attorney can contact Daniel Reich, Office of Regional Counsel, at (415) 972-3911. Thank you for your cooperation in this matter.

Sincerely,



Kathleen H. Johnson
Director, Enforcement Division

Enclosures

cc: Mat Ehrhardt, P.E., Yolo-Solano APCD
James Ryden, California Air Resources Board

ENCLOSURE 1: Instructions

1. All responsive documents must be:
 - a. provided as an accurate and legible copy in a searchable PDF file format;
 - b. submitted on a disk (CD or DVD media);
 - c. number stamped in sequential order (BATES stamped); and
 - d. submitted as an attachment to a letter postmarked no later than 45 calendar days after receipt of this letter.
2. Prepare a cover letter that includes a written response to all requests referencing the request number to which each answer or document pertains. In addition, attach to the cover letter the signed certification by a corporate/government official with authority to make such representations for the YCPPWD, described in the body of the above information request letter.
3. To the extent that the YCPPWD has no responsive information or documents for any particular request, this must be explicitly stated in the response.
4. Where documents or information necessary for a response are neither in your possession nor available to you, indicate in your response why such documents or information is not available or in your possession and identify any source that either possesses or is likely to possess such information.
5. To the extent that a document is responsive to more than one request, this must be so indicated and only one copy of the document need be provided.